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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,475	09/21/2001	Yuji Kamo	53375/1445	4402
23838	7590	07/13/2005	EXAMINER	
KENYON & KENYON 1500 K STREET NW SUITE 700 WASHINGTON, DC 20005			MARTINEZ, JOSEPH P	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/957,475	KAMO, YUJI	
	Examiner	Art Unit	
	Joseph P. Martinez	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 5-20, 22, 25, 29, 30, 33, 35-38, 45-48 and 52-60 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 21, 23, 24, 26-28, 31, 32, 34 and 39-41 is/are allowed.
- 6) ☒ Claim(s) 42 and 49-51 is/are rejected.
- 7) ☒ Claim(s) 43 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9-21-01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42 and 49-51 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Aoki (6041193).

Re claim 42, Aoki teaches for example in fig. 3(a) and 3(b), a real image mode variable magnification finder optical system comprising: a variable magnification objective optical system having a positive optical power (col. 17, ln. 20-22); an ocular optical (Oc) system having a positive optical power (col. 17, ln. 55-56); and a plurality of reflecting surfaces (S8, S9, S13, S14) for erecting an image of an object to be observed; said objective optical system comprising, in order from an object side, a negative front subsystem (G1) including a plurality of movable lens units (G1, G2, G3)

and a rear subsystem including at least one reflecting surface (S8, S9) which is a rotationally asymmetric surface (col. 17, ln. 49-51) and has a positive optical power (col. 17, ln. 22).

Re claim 49, Aoki teaches for example in fig. 3(a) and 3(b), a real image mode variable magnification finder optical system comprising: a variable magnification objective optical system having a positive optical power (col. 17, ln. 20-22); an ocular optical system (Oc) having a positive optical power (col. 17, ln. 55-56); and a plurality of reflecting surfaces (S8, S9, S13, S14) for erecting an image of an object to be observed; said objective optical system comprising a plurality of movable lens units (G1, G2, G3), two reflecting surfaces (S8, S9) each having a positive optical power (in the Y-axis and Z-axis, respectively), and a reflecting surface (S14) having a negative optical power (in the Z-axis) in this order from an object side; and at least one of said three reflecting surfaces being a rotationally asymmetric surface (col. 17, ln. 49-51).

Re claim 50, Aoki teaches for example in fig. 3(a) and 3(b), a real image mode variable magnification finder optical system comprising: a variable magnification objective optical system having a positive optical power (col. 17, ln. 20-22); an ocular optical system (Oc) having a positive optical power (col. 17, ln. 55-56); and a plurality of reflecting surfaces (S8, S9, S13, S14) for erecting an image of an object to be observed; said objective optical system comprising at least three lens units (G1, G2,

G3) and at least three reflecting surfaces (S8, S9, S13, S14), and at least one of said three reflecting surfaces being a rotationally asymmetric surface (col. 17, ln. 49-51).

Re claim 51, Aoki further teaches for example, at least one of said lens units included in said objective optical system is a fixed lens (col. 20, ln. 5-6).

***Allowable Subject Matter***

Claims 1-4, 21, 23, 24, 26-28, 31, 32, 34 and 39-41 are allowed.

Claims 43 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art taken alone or in combination fails to anticipate or fairly suggest the limitations of the claims, in such a manner that a rejection under 35 USC 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 1 and 41.

The following is a statement of reasons for the indication of allowable subject matter: the prior art taken alone or in combination fails to anticipate or fairly suggest the limitations of the claims, in such a manner that a rejection under 35 USC 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in dependent claims 43 and 44.

Specifically regarding claim 1, Aoki (6041193) teaches the state of the art of a real image zoom finder.

But, Aoki fails to explicitly teach said finder optical system satisfying the following condition:  $0.02 < d(fw/ft^2) < 0.4$ , where  $d$  is a distance from a first surface of said objective optical system to one of said reflecting surfaces positioned nearest to an object measured along an axial chief ray at a wide angle end,  $fw$  is a focal length of said objective optical system at a wide angle end, and  $ft$  is a focal length of said objective optical system at a telephoto end, as claimed.

Specifically regarding claim 41, Aoki (6041193) teaches the state of the art of a real image zoom finder.

But, Aoki fails to explicitly teach said finder optical system satisfying the following condition:  $0.02 < d(fw/ft^2) < 0.7$  and  $3.5 \leq ft/fw \leq 10$ , where  $d$  is a distance from a first surface of said objective optical system to one of said reflecting surfaces positioned nearest to an object measured along an axial chief ray at a wide angle end,  $fw$  is a focal length of said objective optical system at a wide angle end, and  $ft$  is a focal length of said objective optical system at a telephoto end, as claimed.

Specifically regarding claims 43 and 44, Aoki (6041193) teaches the state of the art of a real image zoom finder.

But, Aoki fails to explicitly teach said finder optical system satisfying the following condition:  $0.02 < d(fw/ft^2) < 0.7$  and  $2.5 \leq ft/fw \leq 10$ , where  $d$  is a distance from a first

surface of said objective optical system to one of said reflecting surfaces positioned nearest to an object measured along an axial chief ray at a wide angle end,  $f_w$  is a focal length of said objective optical system at a wide angle end, and  $f_t$  is a focal length of said objective optical system at a telephoto end, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
7-6-05



**DAVID SPECTOR**  
**PRIMARY EXAMINER**